

REMARKS

This is intended as a full and complete response to the non-final Office Action mailed December 19, 2006.

By this response, Applicant has amended claims 2 and 45. No new matter has been added.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Applicant further submits that all of the claims satisfy the provisions of 35 U.S.C. §112. Thus, Applicant believes that all of the claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

Election/Restrictions

The Examiner has made the election/restriction requirement final.

Claims 7-23 and 46 are withdrawn as a result of the restriction requirement being made final. Applicant reserves the right to file one or more divisional or continuation applications based on the subject matter of these withdrawn claims.

Rejections

35 U.S.C. §112 Rejection of Claim 45

Claim 45 is rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner finds that there is insufficient antecedent basis for the limitation "the list of audio segments" in the claim.

Claim 45 has been amended to remedy the lack of antecedent basis. As such, the rejection of claim 45 under 35 U.S.C. §112 should be withdrawn.

35 U.S.C. §102 Rejection of Claims 2-5

The Examiner has rejected Claims 2-5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,463,599 to Yifrach et al. ("Yifrach"). Applicant respectfully traverses the rejection.

Claim 2 has been amended to clarify that the audio signal is stored as a plurality of segments, in order to provide consistency with the automatically identifying step and the reading step. No new matter has been added.

In rejecting claim 2 as being anticipated by Yifrach, the Examiner relies on Yifrach's manual mode selector switch JB/F as corresponding to Applicants' receipt of an audio manipulation signal, and Yifrach's delayed-replay of 60 seconds of previously broadcast information as corresponding to Applicants' identifying, reading, manipulating and outputting of the at least one segment of the audio signal in claim 2.

Applicant respectfully disagrees.

Yifrach teaches that an audio signal corresponding to a predetermined time interval is continuously stored in a cyclic storage device. However, Yifrach does not teach the stored audio signal as having different segments that can be separately identified, read, or outputted, as provided in Applicant's claim 2.

Instead, according to Yifrach, when a listener selects the delayed-listening mode through the mode selector switch, the entire signal in a predetermined period, which was last outputted by demodulator 13 and stored, is simply replayed from buffer (e.g., col.3, lines 440-45; col.3, line 66 - col. 4, line9). In addition, the listener may also skip over the entire signal stored in buffer within the predetermined period (col.4, lines 56-62). Yifrach does not teach any plurality of segments in the audio signal because there simply is no need for such segmentation.

As such, Yifrach does not teach at least the features of "storing the audio signal as a plurality of segments", or "automatically identifying at least one segment of the audio signal responsive to the audio manipulation signal; reading the at least one segment of the stored audio signal; manipulating the at least one segment of the audio signal", as provided in Applicant's claim 2.

Thus, claim 2 is not anticipated by Yifrach and is patentable under 35 U.S.C. §102.

Furthermore, claims 3-5 depend directly from independent claim 2, while adding additional elements. For at least the same reasons discussed above, these dependent claims are also not anticipated by Yifrach and are patentable under 35 U.S.C. §102.

Therefore, Applicant respectfully requests that the rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 6 and 45

Examiner has rejected claims 6 and 45 under 35 U.S.C. §103(a) as being unpatentable over Yifrach in view of U.S. Patent No. 5,946,050 to Wolff ("Wolff"). Applicant respectfully traverses the rejection.

Examiner acknowledges that Yifrach does not teach the feature recited in claim 6, and thus, relies on Wolff's keyword-based audio buffering control as teaching a request to identify a type of meta-data as provided in Applicant's claim 6. Examiner further relies on Wolff's keyword monitoring as teaching the feature in

claim 45, that of determining whether the meta-data matches any entry within a list of audio segments.

Applicant submits that there is no motivation to combine Yifrach with Wolff, and even if combined, the references would not have resulted in Applicants' claim 6 or claim 45.

Wolff's invention is directed towards a need to provide television viewers with a convenient way of accessing internet sites with information relating to certain programming (e.g., col.2, lines 1-28).

Thus, Wolff teaches, in Fig. 5 and col. 4, lines 25-46, a method of cyclically recording a broadcast audio signal to a circular buffer while performing active keyword monitoring. When a keyword is detected, the position of the audio recording is marked, and the recording is allowed to continue for a period of time before being briefly stopped to set up a new circular audio buffer for additional recording and monitoring. The recorded sound clip with the detected keyword is then analyzed for any useful information, e.g., an internet address, to allow user to connect to the internet site via a computer (col.4, lines 47-67).

Thus, the problem addressed by Wolff is totally different from that of Yifrach. Wolff allows analysis of previously identified (through keyword monitoring) recordings to extract specific information, while Yifrach provides a replay or skip-through of an entire audio recording within a predetermined time interval. Given the different issues addressed by these references, Applicant submits that there is no motivation to combine Yifrach and Wolff.

Examiner also cited Wolff's col.2, lines 29-43 as teaching efficient use of storage by storing and reproducing only content of known interest, and that one skilled in the art would find it obvious to apply Wolff's meta-data based buffering control to Yifrach in order to realize the advantages set out in Wolff.

Applicant respectfully disagrees. The cited portion of Wolff (col.2, lines 29-43) relates to an embodiment in which keywords in an audio signal are used to trigger recording to a video cassette recorder, so that a user can later retrieve the

recordings for viewing. The advantage of efficient use of storage is relevant to this particular embodiment of Wolff because of the nature of the storage device (VCR).

However, in Yifrach, a cyclic storage device provides continuous storage of signal over a predetermined time interval, so that replay and skip-over can be performed on the recorded signal. There is no need for permanent storage beyond the predetermined time interval of the buffer, and unlike Wolff's video cassette, Yifrach's cyclic storage device does not run out of storage capacity. As such, the advantage of efficient use of storage is not relevant to Yifrach, and thus, would not have provided the motivation to combine with Wolff.

Finally, even if combined, Yifrach and Wolff would not have resulted in Applicants' claim 6 because there is no teaching in either Yifrach or Wolff of at least the steps of automatically identifying any segment of the stored audio signal in response to a request to identify a type of meta-data in the audio signal, and reading the segment of the stored signal, as provided in claim 6.

As set forth above, Yifrach does not teach the stored audio signal as comprising a plurality of segments. Although Wolff's "snippets of broadcast signals" in the video cassette recorder (col.2, lines 28-43) or sound clips in the circular audio buffer (Fig. 5 and col.4, lines 25-67) may correspond to segments of stored audio signal, there is no teaching or suggestion in Wolff of identifying these segments of recorded signals based on meta-data (e.g., keywords) and reading these segments of the stored signal, as provided in Applicant's claim 6. Thus, even if combined, Yifrach and Wolff would not have resulted in Applicant's invention.

As such, claim 6 is not obvious over Yifrach in view of Wolff. Since claim 45 depends from claim 6, and recites additional features, claim 45 is also not obvious over Yifrach and Wolff.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicant submits that all of the claims presently in the application are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Eamon J. Wall
Registration No. 39,414
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808